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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70347 BZ
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	CONTINUING THE PRELIMINARY
v.)	HEARING AND EXCLUDING TIME
)	
GERALDO RODRIGUES,)	
)	
Defendant.)	
_____)	

____ This matter is set for a Preliminary Hearing on March 28, 2008. The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the March 28, 2008 calendar and be continued until April 25, 2008 and that time should be excluded from the Speedy Trial Act calculations from March 28, 2008 through April 25, 2008 for effective preparation of counsel. Since the last appearance before this Court, the defendant has been designated as a material witness and held on a material witness arrest warrant in the matter of *United States v. Glenio Jesua Ferreira Silva*, 07-678 JSW. The parties anticipate that the defendant will be deposed in this matter in early to mid-April 2008. The parties have been

1 and continue to discuss pre-trial resolution of this matter and require additional time for the
 2 parties to engage in meaningful discussions. Further, counsel for the defendant does not believe
 3 that it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to
 4 Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for
 5 effective preparation of counsel to permit counsel time to discuss pre-indictment resolution,
 6 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

7
 8 IT IS SO STIPULATED.

9 JOSEPH P. RUSSONIELLO
 10 United States Attorney

11 DATED: March 27, 2008

12 /s/
 13 DENISE MARIE BARTON
 Assistant United States Attorney

14 DATED: March 27, 2008

15 /s/
 16 RONALD C. TYLER
 Attorney for GERALDO RODRIGUES

17 **IT IS SO ORDERED.**

18
 19 For the reasons stated above, the Preliminary Hearing shall be removed from the March 28,
 20 2008 calendar and be continued until April 25, 2008. The Court further finds that the ends of
 21 justice served by the continuance outweigh the best interests of the public and the defendant in a
 22 speedy trial and that time should be excluded from the Speedy Trial Act calculations from March
 23 28, 2008 through April 25, 2008 for effective preparation of counsel. See 18 U.S.C.
 24 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant
 25 effective preparation

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28 STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING THE PRELIMINARY HEARING AND
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of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: 03/31/08

Honorable 
United States Magistrate Judge

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